

## REMARKS

Claims 1-8, 9-19, 21-24, and 26-38 are pending, of which claims 1, 10, and 36 are independent method claims, and claim 27 is an independent computer program product claim corresponding to independent method claim 10.

The most recent Office Action rejected claims 1, 4-5, 7, 9, 21-22, 24, 26, and 36 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,499,021 to Abu-Hakima ("Abu-Hakima"). The Office Action also rejected claims 3, 6, 10-11, 13-19, 23, 27-28, 30-35, and 37-38 under 35 U.S.C. 103(a) as being unpatentable over *Abu-Hakima* in view of U.S. Patent No. 6,839,744 to Kloba, et al. ("Kloba"). In addition, the Office Action rejected claims 2, 12, and 29 under 35 U.S.C. 103(a) over *Abu-Hakima* in view of *Kloba*, and in further view of U.S. Patent No. 5,850,517 to Verkler et al. ("Verkler").

Applicants submit herewith a Declaration under 37 C.F.R. § 1.131, which is executed by each available inventor, as well as a Declaration under 37 C.F.R. § 1.131 executed on behalf of the unavailable inventor by the assignee properly qualified under § 1.47 (both Declarations collectively referred to as "*Declaration*"). The enclosed *Declaration* establishes invention of the subject matter of the rejected claims (and any amendments thereof) of the instant application "prior to the effective date" of the reference(s) on which the present rejection is based. In particular, the enclosed *Declaration* establishes the conception or reduction to practice of Applicants' invention at least as early as October 1997<sup>1</sup>, and thus prior to the effective date of at least the *Abu-Hakima* and *Kloba* references. The enclosed *Declaration* further establishes due diligence from this point up "to the filing of the application." 37 C.F.R. § 1.131.

---

<sup>1</sup> Applicants do not acquiesce to any particular conception or reduction to practice date, and, as such, reserve the right to show – at another point as may be required – earlier conception (and accompanying diligence) and/or earlier reduction to practice other than what is recited herein or recited in the accompanying *Declaration*.

Accordingly, the §102 and §103 rejections of record of independent claims 1, 10, and 36 and corresponding dependent claims are now moot. Applicants, therefore, respectfully request reconsideration and allowance for the above-identified application.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 16<sup>th</sup> day of August, 2006.

Respectfully submitted,

/Michael J. Frodsham/

RICK D. NYDEGGER  
Registration No. 28,651  
MICHAEL J. FRODSHAM  
Registration No. 48,699  
Attorneys for Applicant  
Customer No. 47973